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SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. KUKAN (Slovakia)

later: Mr. VAN DER HEIJDEN (Netherlands)
(Vice-Chairman)

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The meeting was called to order at 10.15 a.m.

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1. Mr. APATA (Nigeria) commenting on item 114 (b), said that human rights should not be confined to national frontiers: they should remain on the top of the international community's agenda until giant strides had been made towards the full enjoyment of those rights. At the World Conference on Human Rights held in Vienna in June 1993, his delegation had strongly supported the recommendation for the establishment of a High Commissioner for Human Rights. Such a post would enhance the United Nations role in the protection and promotion of human rights and fundamental freedoms. The High Commissioner's mandate should provide for flexibility and freedom of action.

2. Nigeria, whose basic laws contained explicit provisions for the protection of human rights, had acceded to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The country's independent judiciary had been playing an important role in fostering respect for human rights. The Government provided free legal aid to those accused in civil and criminal cases. The Nigerian Bar Association had a highly regarded subcommittee on human rights which assisted individuals whose rights had been infringed. The activities of non-governmental organizations had also contributed significantly to the major strides recorded in the field of human rights in his country and their work should be encouraged and facilitated.

(Mr. Apata, Nigeria)

3. Nigeria appreciated the concern of the European Union and the rest of the international community over recent political events in his country. The present Government was committed to the early restoration of democracy. The constitutional conference that would define the power structure and set a date for elections and restoration of democratic institutions would commence deliberations early in the new year. He appealed for the understanding of the international community in the country's current difficult times.

4. Mr. TÜRK (Slovenia), referring to items 114 (b) and (c), said that his delegation continued to be concerned at violations of human rights in various parts of the world. But expressions of concern were not a sufficient response to massive violations of human rights. The Vienna Declaration and Programme of Action had shown that a universal approach to human rights was not only possible but also necessary, and had enhanced the opportunity for genuine communication among societies with different historical and cultural backgrounds.

5. However, the optimism generated at Vienna had to be translated into specific action. Two priority areas concerned the need to eliminate such abhorrent practices as torture and arbitrary killings and to fill the gaps in standards governing policies concerning minorities and indigenous peoples.

6. With regard to the establishment of a High Commissioner for Human Rights, his delegation had submitted a detailed paper (A/C.3/48/8) offering some ideas and suggestions. They concerned primarily the improvements needed in the United Nations human rights structures, and the High Commissioner's mandate and terms of appointment.

7. Mr. BILOA TANG (Cameroon) said, with regard to item 114 (b), that his delegation endorsed the emphasis placed by the Vienna Declaration and Programme of Action (A/CONF.157/23) on the universality and indivisibility of all human rights and the link between those rights and development and democracy. His delegation also welcomed the prominence accorded by the Declaration to the rights of women, children, persons with disabilities, vulnerable groups and indigenous peoples. Further, it endorsed the proposals for decades of action relating to indigenous people, human rights education, and racism and racial discrimination, as well as the proposal for a United Nations decade for human rights.

8. United Nations human rights institutions required strengthening with a view to implementing the Vienna Declaration. In that connection, the establishment of a High Commissioner for Human Rights merited careful consideration; his delegation would participate fully in the relevant deliberations. Funds should be reallocated in order to strengthen the Centre for Human Rights and its capacity to promote international cooperation for development, which should seek to eradicate all social and economic obstacles to full individual participation in development and democracy.

9. Through liberalization and the relaunching of multiparty politics, his country was promoting and fostering the view that human rights could be safeguarded only in a democratic framework. In addition, Cameroon's recent

(Mr. Biloa Tang, Cameroon)

election to the Commission on Human Rights would enable it to participate fully in international human rights endeavours and to assist its own national human rights institutions. He concluded by saying that the international community should constantly renew its commitment to the continuing process of development, democracy and the promotion of human rights.

10. Ms. ARYSTANBEKOVA (Kazakhstan), commenting on items 114 (b) and (c), said that for almost two years her country had been building a strong sovereign State with a socially oriented market economy. Its political system and state structure were undergoing radical changes and Kazakhstan was committed to democracy and the observance of international standards. In January 1993, its Parliament had adopted a Constitution, which ensured human rights and equality of all nationalities and national groups.

11. A basic element of the domestic policy of Kazakhstan, where there were more than 100 nationalities, was the principle of consensus. Kazakhstan was endeavouring to carry out a strategy fostering social unity and to ensure equality and the development of the language and culture of all its citizens. It was the only State of the former Soviet Union where national radio and television broadcasts were in six languages and schoolchildren were instructed in 18 languages.

12. The implementation of human rights was a long and gradual process. Kazakhstan supported the affirmation of the universal nature of human rights and underscored the need to take account of the national characteristics of each country. A person was truly free only when each member of society could freely enjoy his political, economic, social, cultural and civil rights. Social upheaval, growing inflation, decreased production and an increase in crime had a negative impact especially on women, children, the elderly and the disabled. Ensuring the rights of those groups therefore was an important component of United Nations human rights activities.

13. Kazakhstan had adopted legislation in the field of education, health care, social protection and protection of mothers and children and had set up a social-welfare programme for disabled persons. Her country fully supported universal ratification of the Convention on the Rights of the Child by 1995 and stressed the need to ensure its implementation through legislative and other measures with the maximum allocation of resources. A legal framework was necessary to promote respect for human rights. Education must foster mutual tolerance and friendship among all peoples and religions. Her country was currently carrying out legal reform and was committed to the ideals of democracy, development and social justice, and universal observance of human rights. Lastly, her delegation was looking forward to effective work on the part of a High Commissioner for Human Rights.

14. Mrs. BARGHOUTI (Observer for Palestine) said, in commenting on item 114 (b), that the international community must act urgently to implement human-rights instruments and put an end to the use of double standards when condemning human-rights violations. The human-rights situation of the Palestinian people in the occupied Palestinian territory, including Jerusalem,

(Mrs. Barghouti, Observer, Palestine)

had not noticeably improved. The promotion of Palestinian social, civil, political and economic rights could be guaranteed only if there was strict compliance with international human-rights instruments and humanitarian law in the occupied territory, particularly as set forth in the fourth Geneva Convention.

15. An alarming number of Palestinians had been killed in 1993. Many human-rights organizations had condemned the arbitrary killing of Palestinians by Israeli soldiers at military check-points. She called upon Israel, the occupying Power, to put an end to its policy of summary executions and killings and to permit an impartial investigation of that policy. Another cause for concern was the escalation of violence by Israeli settlers in the occupied territory and the failure of the occupation authorities to halt it. The destruction of Palestinian property by settlers was occurring in all areas of the West Bank and the Gaza Strip and included the burning of hundreds of homes and cars. The repeated closing-off of areas of the occupied Palestinian territory, including Jerusalem, had worsened existing economic and social problems and created new ones.

16. Her delegation welcomed the decision by the Commission on Human Rights to appoint a special rapporteur to investigate Israel's violations of the human rights of the Palestinian people. She hoped that Israel would cooperate. The signing of the Declaration of Principles between the Palestine Liberation Organization (PLO) and the Government of Israel represented the first step towards achieving a just and lasting peace. Her delegation hoped that it would also mark the beginning of a new era for the human-rights situation of the Palestinian people, in which Israel would scrupulously abide by the fourth Geneva Convention.

17. The PLO considered human rights to be of primary importance and would respect internationally recognized human-rights standards in future Palestinian legislation. It intended to establish a national institution for human rights, reflecting its determination to implement human-rights instruments in daily practice.

18. Mrs. DE BARISH (Costa Rica), referring to items 114 (b) and (c), said that the proposal to establish a High Commissioner for Human Rights was highly appropriate. The lack of an effective body for coordinating United Nations activities for the protection of human rights and the need to foster cooperation among Member States in order to meet their obligations under the Charter made such an appointment necessary. She also shared the view that the United Nations Centre for Human Rights needed to be strengthened.

19. Costa Rica supported the promotion of education, training and public information on human rights and urged all Member States and institutions to include human rights, humanitarian law, democracy and the rule of law in the curricula of all educational institutions. In that regard, her delegation, together with others, had prepared a draft resolution to proclaim a United Nations decade for education on human rights.

(Mrs. De Barish, Costa Rica)

20. Her delegation agreed with the emphasis of the Vienna Declaration and Programme of Action on the importance of making women full participants in and beneficiaries of development. Women should be granted full enjoyment, on an equal footing, of all human rights; that should be a priority issue for Governments and the United Nations. They must be integrated into all the main activities of the United Nations system. In that connection, her delegation fully supported the adoption, at the current session, of the draft declaration on violence against women.

21. Costa Rica also supported the principle of "first call for children" put forward by the World Summit for Children. Efforts, especially those of the United Nations Children's Fund (UNICEF), should be intensified in order to promote the rights of all children to survival, protection, development, education and participation. Measures should also be taken to achieve universal ratification of the Convention on the Rights of the Child by 1995 and the universal signing of the World Declaration on the Survival, Protection and Development of Children Plan of Action adopted by the World Summit. It did not, however, make sense to ask all Member States to become parties to the Convention on the Rights of the Child when only 10 States were represented on the Committee on the Rights of the Child. Its membership should therefore be increased to 18.

22. In conclusion, she expressed full support for the declaration on Bosnia and Herzegovina adopted by the World Conference on Human Rights, which appealed for an end to the genocide and human-rights violations in that country.

23. Mr. BUTLER (Australia) said, with reference to items 114 (b) and (c), that the transition to democracy in some countries had not yet brought the full benefits of stable institutions and economic growth. The reports of the special rapporteurs and representatives were a stark reminder of the massive human-rights violations arising from internal and regional conflicts and humanitarian crises. None the less, the results of the recent World Conference on Human Rights were encouraging. In particular, the Vienna Declaration and Programme of Action provided a firm foundation for strengthening the United Nations human-rights system. He hoped that an early decision could be taken to establish a High Commissioner for Human Rights. His delegation would also work with others to ensure that the Centre for Human Rights was provided with the necessary resources.

24. Concerted action by the United Nations need not be confrontational: an approach based on cooperation and the provision of practical assistance was more likely to improve respect for human rights. Furthermore, the argument that economic rights must have priority was not persuasive. Respect for individual freedoms was more likely to produce economic growth than the suppression of civil or political freedom based on claims of collective rights. However, some useful work had recently commenced on the right to development, identifying the need for greater inter-agency cooperation in formulating programmes to promote that right.

25. Australia welcomed the recommendation of the World Conference to strengthen United Nations assistance to States wishing to establish or reinforce national

(Mr. Butler, Australia)

human-rights institutions. Having already made a substantial financial contribution towards strengthening human-rights machinery, Australia was also willing to continue providing bilateral assistance. That included the strengthening of national institutions, electoral assistance, advice on the drafting of constitutions, help in improving law enforcement, and support for United Nations peace-keeping operations. A High Commissioner for Human Rights would play an important role in extending such forms of assistance.

26. Australia called on the authorities in Myanmar, where civil and political rights continued to be severely restricted, to release political leaders and work with them in the urgent task of democratizing and reconstructing the country. It likewise called on Iraq, where human-rights violations continued, to cooperate with the Special Rapporteur and accept the proposal to station human-rights monitors inside its territory. Similarly, Cuba and the Islamic Republic of Iran should permit visits by United Nations representatives and respond to efforts to create the conditions whereby their citizens could enjoy their fundamental rights and freedoms. Concerning the Sudan, his delegation was particularly concerned by the reprisals taken against those who had contacted the Special Rapporteur during his visit there. He called on the Sudanese Government to cease the grave abuses taking place in the country, declare a cease-fire in the internal struggle, guarantee the safety of relief workers and cooperate in enabling emergency relief to reach civilians.

27. In the territory of the former Yugoslavia, where suffering and human-rights abuses continued unabated, a comprehensive peace settlement was overdue. Australia strongly supported the international efforts to prevent the conflict widening and to restore peace. It also welcomed the establishment of the International Tribunal under Security Council resolution 827 (1993) as a means of bringing the perpetrators of human-rights abuses to justice.

28. In short, the message of Vienna was clear: the common objective of all States was to achieve respect for human rights. With that in mind, concerted international effort was needed to strengthen the United Nations system through cooperation, dialogue and institution-building.

29. Mr. JARAMILLO (Colombia) said that the 1993 World Conference on Human Rights had revitalized the issue of human rights and represented the start of a new era based on the concept of the interdependence of all human rights. Colombia deemed that the principle of commitment by all States to the human-rights conventions was fundamental. However, it emphatically rejected the use of the notion of human rights as a means of interfering in the internal affairs of a country. The sovereignty and territorial integrity of States must at all times be respected.

30. His delegation commended the establishment of a Working Group of the Third Committee to study the possibility of creating the post of High Commissioner for Human Rights, and deemed that that post could prove useful in coordinating the existing human-rights machinery without duplicating the functions of the Centre for Human Rights. Its role must also focus on the creation of a world-wide

(Mr. Jaramillo, Colombia)

culture of human rights through the promotion of educational and public-information programmes.

31. For its part, Colombia had for many years fought to defend the human rights of its citizens. The Government had rallied its forces behind a firm and cohesive policy directed at eradicating violence, achieving peace and obtaining full adherence to all human-rights principles. Despite the magnitude of the challenge, it had succeeded in strengthening institutions, reforming the judicial system and upgrading the investigative agencies and the security forces, and had battled against corruption. There was a public defender with the specific task of defending human rights, and an Attorney-General to protect citizens from violations of their rights. The police and the armed forces had been reformed, and benefited from ongoing human-rights training programmes for all members.

32. Nevertheless, as various international organizations had observed, it was the guerrilla movement which was responsible for the gravest breaches of human rights in Colombia. Its members murdered ordinary citizens, including women and children, and carried out random terrorist attacks and kidnappings motivated purely by money. The eradication of that senseless violence was essential if Colombia was to achieve peace and human rights for its citizens.

33. Lastly, he emphasized the need to strengthen those instruments dedicated to the protection of disadvantaged groups, including minorities, indigenous peoples, children, women, disabled persons and migrant workers. The relevant recommendations made by the World Conference should be implemented as soon as possible.

34. Mr. EL DEEB (Egypt), commenting on item 114, reaffirmed the universality and indivisibility of human rights as proclaimed in the Vienna Declaration and Programme of Action, and said that political progress and socio-economic development were of equal significance. The right to development was also important as a guarantee of enjoyment of other fundamental human rights. His delegation was concerned that implementation of the Declaration should be universal and balanced. Referring to the current debate on establishing a High Commissioner for Human Rights, he said that careful consideration should be given to determining the mandate of that office and its relationship with United Nations agencies and Member States.

35. Recent world events had highlighted the importance of democracy, the system to which Egypt was committed under its Constitution; the legal guarantees thus provided permitted the expression of opinion and effective political participation by every individual in Egyptian society. In the world at large, however, adverse factors marred the progress made in the field of human rights; in the former Yugoslavia, for example, odious practices were carried out with a view to driving out the Muslim population. His delegation stressed that the international community should bring an end to those practices by imposing the rule of international legitimacy universally and without distinction.

(Mr. El Deeb, Egypt)

36. In the Middle East, the signing of the Declaration of Principles on Interim Self-Government Arrangements between Israel and the Palestine Liberation Organization was a positive development. He hoped that the enjoyment of human rights among the Palestinians of the West Bank and Gaza Strip would be enhanced as a result. Concerning the delicate problem in Somalia, greater international cooperation was required to create stability and thus improve the enjoyment of human rights by the Somali people.

37. Mr. FSADNI (Malta), referring to item 114 (b), said that the Vienna Declaration and Programme of Action presented the international community with a formidable challenge. The first duty of the General Assembly was to endorse that document and to begin to work in earnest on its implementation. To that end, Malta was co-sponsoring draft resolution A/C.3/48/L.38. Among the fundamental principles reaffirmed by the Vienna Declaration was the universal and inalienable right to development, with the human person as its central subject. And yet, while development facilitated the enjoyment of all human rights, its lack could not be invoked to justify any abridgement of those rights.

38. But the true challenge of the Vienna Declaration resided in its recommendations for the monitoring and implementation of existing standards and instruments. Malta in particular commended the establishment of the Working Group to consider the creation of a post of High Commissioner for Human Rights to coordinate United Nations activities in that realm. Malta would participate in the Working Group, and would favour the provision of the resources that would be needed by the High Commissioner. He also expressed support for the proposed increase in the resources of the Centre for Human Rights to enable it to continue its excellent work, and paid tribute to the many non-governmental organizations for their important contribution.

39. Mr. MARUYAMA (Japan), commenting on item 114, highly commended the role the United Nations system had played in promoting human rights, and had shaped its policy in accordance with the two international covenants. That human rights were a value universally held had been reaffirmed by the World Conference on Human Rights, which had provided a valuable opportunity to review past developments and to chart a course for the future. The adoption of the Vienna Declaration and Programme of Action was a milestone in the efforts of the Organization to promote and protect human rights. An understanding had been reached that United Nations human-rights mechanisms must find effective and efficient ways to respond to new and increasingly complex situations. With the end of the cold war, the task of combating human-rights abuses had grown, and it was expected that the United Nations would play a significant role in that process. It must be allocated the necessary resources, in terms of both budget and staff, to enable it to meet those challenges. Japan supported the decision to accord a higher level of resources to the Centre for Human Rights, and the recommendation that the post of High Commissioner for Human Rights should be created.

40. It nevertheless devolved on the Centre for Human Rights itself to demonstrate that it urgently needed additional resources to fulfil its mandates.

(Mr. Maruyama, Japan)

Fact-finding mechanisms such as special rapporteurs and independent experts remained the best means of assessing human-rights situations. But special rapporteurs would naturally need adequate staff in order to discharge their responsibilities. Furthermore, countries should cooperate by promptly agreeing to receive fact-finding missions: the timing of those mechanisms needed to be corrected so that the final reports could be discussed and acted upon by the Third Committee before the material became outdated.

41. Some countries argued that human rights fell within their domestic jurisdiction, and indeed States had the primary responsibility for guaranteeing those rights. However, human rights were also of legitimate concern to the international community, which had an obligation to respond to allegations of abuse. The expression of concern should not be regarded as interference in internal affairs. In that context, discussions involving the situation of human rights in individual countries must not be employed for political ends, but should rather be aimed at remedies. Japan wholly supported United Nations fact-finding mechanisms, since any judgement must be based on an objective understanding. After a violation was confirmed, the international community should focus its energy not on counterproductive accusations but on rectifying the problem.

42. The status of human rights in such countries as Afghanistan, Cuba, Haiti, the Islamic Republic of Iran, Iraq, Myanmar, the Sudan and the former Yugoslavia were deeply troubling. Japan commended the special rapporteurs for their reports, and lamented that certain States had declined to respond to the requests of special rapporteurs to conduct fact-finding missions in their countries. In sum, Japan remained strongly committed to the defence of human rights.

43. Mr. Van der Heijden (Netherlands), Vice-Chairman, took the Chair.

44. Mr. NANJIRA (Kenya) said, with reference to item 114, that the scope of human rights had been broadened to include new categories of persons and had become a sensitive, political, cultural and economic issue. The main actors responsible for the promotion and protection of human rights were States, the United Nations system and non-governmental organizations, which should play a greater role in that regard. The ratification of human rights conventions per se did not guarantee the implementation of those rights. Commitment to human rights must be reflected in concrete action at the national, regional and international level.

45. Recent developments had placed human rights high on the international agenda. The opening-up of Eastern and Central Europe since 1988 had introduced new challenges of an economic, social and political nature. The North-South dialogue now lacked the traditional East-West dimension. There was a trend whereby one bloc of countries pointed fingers at the other bloc and everything should be done to prevent that. The world's economic, political, social and cultural problems had also focused attention on human rights. Solving those problems required an appropriate level of financial resources.

(Mr. Nanjira, Kenya)

46. Economic, social and cultural rights, including the right to development, had been neglected for a quarter of a century because the international community had concentrated more on civil and political rights. Accordingly, there was a need to stress the implementation of economic, social and cultural rights in accordance with the United Nations documents, including the Declaration on the Right to Development and the Vienna Programme of Action. The obstacles to realization of the right to development included racism, political instability, colonialism and neo-colonialism, foreign domination and occupation, aggression and hegemonism.

47. His delegation attached considerable importance to human rights in the administration of justice and expressed appreciation for the assistance provided in that area to needy countries, as outlined in the Secretary-General's report on that question (A/48/575). It was also gratifying to note the support by the Centre for Human Rights in providing advisory services to developing countries, including Kenya. The Centre and other relevant United Nations bodies should continue to assist those countries with training courses and symposia on the promotion of human rights and the administration of justice. The national and regional capacities of Member States in that regard should be strengthened in order to promote human rights more effectively. To achieve that objective, financial, technical and material support should be provided to the developing countries as well as the United Nations bodies dealing with human-rights questions. The Centre for Human Rights should be given additional resources and encouraged to enhance its advisory services for those countries. In Africa, his Government had played a significant role in promoting human rights in the administration of justice and had hosted a Conference of Ministers of Justice and Attorneys-General of East and Central Africa, as part of the preparations for the Vienna Conference.

48. Agreement could be reached on the establishment of a High Commissioner for Human Rights at the current session. The mandate of the High Commissioner must be clearly formulated on the basis of existing documents such as the Charter of the United Nations, the Vienna Declaration and Programme of Action, and the Declaration on the Right to Development. The High Commissioner must be well versed in human-rights questions and should be able to work with intergovernmental bodies and be acceptable to all Governments. His mandate should include clear guidelines and principles outlining the nature of the reporting system and procedures to be followed.

49. The High Commissioner should take measures to eliminate obstacles to the full enjoyment of human rights and suggest ways to raise funds for protecting human rights and disseminating public information on that subject. One of his major tasks would be to mobilize resources for capacity-building, training, technical assistance and advisory services. He should encourage popular participation in dealing with human-rights issues and conduct symposia and seminars on human rights.

50. The High Commissioner should provide special protection to the most vulnerable and disadvantaged groups and should be given a clear mandate by the General Assembly to ensure respect for human rights and fundamental freedoms.

(Mr. Nanjira, Kenya)

His appointment should be approved by the General Assembly and he must have sufficient authority to carry out his mandate.

51. The most urgent task in following up the Vienna Conference was to devise a clear procedure for implementing human rights. The needs of Governments and the Centre for Human Rights should be determined in order to implement the Vienna Programme of Action and the Declaration on the Right to Development. The effectiveness of national and regional mechanisms to promote the enjoyment of human rights must be enhanced. A focal point should be established in the Centre for Human Rights for all United Nations activities relating to the right to development as a human right. National focal points should be established to coordinate human-rights activities. Human rights must not be used as a weapon in foreign policy and development cooperation. Lastly, there was a need for a mechanism to assess the implementation of the Vienna Programme of Action and the Declaration on the Right to Development.

The meeting rose at 1 p.m.